

SEP 05 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL CLARK,

Petitioner - Appellant,

v.

M. SHEPHERD,

Respondent - Appellee.

No. 06-55065

D.C. No. CV-05-03290-RSWL

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Ronald S. W. Lew, District Judge, Presiding

Submitted August 26, 2008^{**}

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

California state prisoner Michael Clark appeals pro se from the district court's denial of his 28 U.S.C. § 2254 petition challenging the Governor's reversal of the California Board of Prison Terms's decision finding him suitable for parole.

Because Clark's notice of change of address, received October 5, 2007, indicated that he is no longer incarcerated, he was ordered to move for voluntary dismissal of the appeal or show cause why the appeal should not be dismissed for lack of jurisdiction. The order specified that if Clark did not comply, "the appeal may be dismissed without further notice to appellant."

No response has been filed. We conclude that Clark's claims are no longer redressable, and we dismiss the appeal as moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *see also Wilson v. Terhune*, 319 F.3d 477, 481-83 (9th Cir. 2003).

DISMISSED.